

REMARKS

In response to the Office Action of January 25, 2005, in the above-referenced application, Applicant submits the following amendments and remarks.

Claims 129, 140 and 141 have been rejected as unpatentable under 35 U.S.C. § 103 over U.S. Patent No. 6,711,548 to Rosenblatt. In view of the amendments above and comments below, it is respectfully submitted that the claims are in condition for allowance and such allowance is requested.

The Rosenblatt reference is deficient for a number of reasons when compared to Applicant's invention as defined in the claims. The Rosenblatt system is directed to charter services from a location where the aircraft are maintained and available solely for the purposes of charter. In column 7, lines 12-19, it is stated that 'the new network service of the present invention may be organized by assembling a database of all existing charter service operators' Similarly, at line 60, it is stated that the payments are made to the "charter flight operator by network booking agency" and in column 8, line 30, it is stated that the 'charter services" are linked to the Internet via their primary business activity.

A charter service and charter aircraft are quite different from the utilization of private aircraft which is the goal of Applicant's invention. The Rosenblatt system is more of a matching system where passengers are linked to various charters which were available in any event to fly from one destination to another. This is to be distinguished from Applicant's invention where private aircraft are flying, for example, corporate officers around the United States. Their itinerary changes on a continual basis and the owners of the aircraft relate their destinations and travel schedule on a continuing basis to the reservation center, enabling passengers to locate possible or potential private aircraft that could be used to accommodate their travel schedule.

The system utilized in Applicant's invention is a bidding system where a passenger bids for seats on a corporate jet or other aircraft for a particular schedule and departure time. The owner of the aircraft can respond by changing its fee schedule depending on the number of passengers seeking seats on a particular flight. Thus it is an interactive system among the passengers, the owner and the reservation service provider. If a number of passengers and price requirements are not met, the flight in fact may not depart, as it is not economically feasible or worthwhile for the company to fly. This is to be distinguished from Rosenblatt where the selection process from an economic perspective merely identifies which type of aircraft will be utilized for a given assignment. See column 10, lines 25-33. Again this suggests a matching

system rather than the interactive system utilized by Applicant.

The specification supports the amendments to the claims noted above. For example, on page 9, lines 11-18, it is noted that the server can select the lowest bid and provide it to the traveler.

In view of the amendments made to the claims above, and the deficiencies noted with respect to the Rosenblatt patent, it is submitted that claims 129, 140 and 141 are in condition for allowance and such allowance is requested. These amendments are also being made without prejudice to filing a continuing application with a claim scope broader than that of the claims above.

The Commissioner is hereby authorized to charge any fees associated with this filing to Kenyon & Kenyon deposit account no. 11-0600.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any aspect of the application.

Respectfully submitted,

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